

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION

UNITED STATES OF AMERICA	*	No.	
	*		2:20-mj-00008
VERSUS	*		
	*		
MARVIN MISAEL AMAYA-KASTRO	*	MAGISTRATE JUDGE KAY	

AFFIDAVIT

I, Christopher S. Simpkins, being first duly sworn, depose and affirm the following:

1. I make this affidavit in support of a criminal complaint and warrant of arrest for MARVIN MISAEL AMAYA-KASTRO.

2. I am a Border Patrol Agent with Customs and Border Protection / United States Border Patrol and have been so employed for twenty-two (22) years. As an agent of the United States Border Patrol, I am empowered to enforce the criminal laws of the United States specifically with regard to immigration laws, customs laws under Title 19 of United States Code and controlled substance offenses.

3. This affidavit is intended to show only that there is sufficient probable cause for the requested criminal complaint and warrant, and does not set forth all of my knowledge about this matter.

4. MARVIN MISAEL AMAYA-KASTRO, is a citizen and national of Honduras. MARVIN MISAEL AMAYA-KASTRO has been assigned an Alien

Registration Number: A088 057 220 by the United States Citizenship and Immigration Services. MARVIN MISAEL AMAYA-KASTRO and has been assigned FBI Number: 17030WC4, State Identification # IL25268801 and State Identification Number: LA2728118 due to his immigration history and previous criminal arrests. MARVIN MISAEL AMAYA-KASTRO was ordered removed from the United States by an Immigration Judge or Designated Official on April 4, 2008, and he was subsequently found in the United States and removed on May 20, 2011, as will be explained in more detail below.

5. Title 8, United States Code 1326 (a) makes it a crime for an alien who (1) has been denied admission, excluded, deported, or removed or has departed the United States while an order of exclusion, deportation, or removal is outstanding, and thereafter (2) enters, attempts to enter, or is at any time found in the United States, unless (A) prior to his re-embarkation at a place outside the United States or his application for admission from foreign contiguous territory, the Attorney General has expressly consented to such alien's reapplying for admission; or (B) with respect to an alien previously denied admission and removed, unless such alien shall establish that he was not required to obtain such advance consent under this chapter or any prior Act.

6. On February 28, 2008, MARVIN MISAEL AMAYA-KASTRO was arrested by the United States Border Patrol in Venice, Louisiana. MARVIN MISAEL AMAYA-KASTRO was processed as a Warrant of Arrest / Notice to Appear (WA/NTA). On April 4, 2008, MARVIN MISAEL AMAYA-KASTRO was ordered

removed by an Immigration Judge in Oakdale, Louisiana. On May 8, 2008, MARVIN MISAEL AMAYA-KASTRO was removed from the United States to Honduras via the New Orleans, Louisiana Port of Entry.

7. On April 23, 2011, MARVIN MISAEL AMAYA-KASTRO was arrested by the Jefferson Parish Sheriff's Office for Simple Battery. On April 26, 2011, MARVIN MISAEL AMAYA-KASTRO was encountered by Immigration and Customs Enforcement (ICE) Officers conducting jail checks at the Jefferson Parish Correctional Center. MARVIN MISAEL AMAYA-KASTRO was processed as a Reinstatement of Prior Order of Removal. On May 20, 2011, MARVIN MISAEL AMAYA-KASTRO was removed from the United States to Honduras via the New Orleans, Louisiana Port of Entry.

8. On January 13, 2020, MARVIN MISAEL AMAYA-KASTRO was encountered by Cameron Parish Sheriff's Deputies as the driver of a vehicle that was stopped for speeding near the Cameron Parish Jail. Deputy J. Nunez contacted the Lake Charles, Louisiana Border Patrol Station asking for assistance with a possible illegal alien. Deputy Nunez spoke with the on-call duty Border Patrol Agent, Luis Hajar. Deputy Nunez advised BPA Hajar that MARVIN MISAEL AMAYA-KASTRO had presented a valid Honduran passport, but the passport was void of any immigration stamps. BPA Hajar conducted record checks using the information provided by the CPSO Deputy Nunez and determined that MARVIN MISAEL AMAYA-KASTRO was illegally present in the United States. MARVIN MISAEL AMAYA-KASTRO was detained and an immigration detainer was issued.

9. On January 14, 2020, BPA Luis Hajar and BPA Michael Lewandowski responded to the Cameron Parish jail to pick up MARVIN MISAEL AMAYA-KASTRO. Upon arrival at the jail BPAs Hajar and Lewandowski identified themselves as Border Patrol Agents. An interview was conducted and MARVIN MISAEL AMAYA-KASTRO stated that he was Honduran and that he had illegally entered the United States and did not possess any immigration documents allowing him to be here legally. MARVIN MISAEL AMAYA-KASTRO was arrested and transported to the Lake Charles, Louisiana Border Patrol Station for further processing.

10. After arriving at the Lake Charles Border Patrol Station, MARVIN MISAEL AMAYA-KASTRO was searched in the IDENT/ IAFIS system. That search confirmed that MARVIN MISAEL AMAYA-KASTRO had been previously removed from the United States.

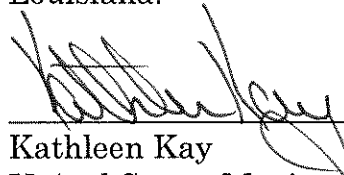
11. After discovering MARVIN MISAEL AMAYA-KASTRO's status, at approximately 1015 hours on January 14, 2020, BPA M. Lewandowski advised MARVIN MISAEL AMAYA-KASTRO of his Miranda rights via form I-214 in the Spanish language with BPA Luis Hajar as a witness. MARVIN MISAEL AMAYA-KASTRO acknowledged understanding his rights, and declined to give a statement.

Based on the above facts and my experience as a Border Patrol Agent, there is probable cause to believe that MARVIN MISAEL AMAYA-KASTRO has violated Title 8, United States Code, Section 1326(a)(1).



CHRISTOPHER S. SIMPKINS
Affiant

SWORN BEFORE ME THIS 17th day of January, 2020, at Lake Charles,
Louisiana.



Kathleen Kay
United States Magistrate Judge